

AO 442 (Rev. 01/09) Arrest Warrant

UNITED STATES DISTRICT COURT

for the
District of Nevada

United States of America

v.

F. HARVEY WHITTEMOREDefendant

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Case No.

3:12-CR-00058-LRH-WGC

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) F. HARVEY WHITTEMORE

who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

Title 2, United States Code, Section 441a(a)(1) - Making Excessive Campaign Contributions (Count One);
Title 2, United States Code, Section 441f - Making Contributions in the Name of Another (Count Two);
Title 18, United States Code, Section 1001(a)(2) and 2 - False Statement to a Federal Agency (Count Three);
Title 18, United States Code, Section 1001(a)(2) - False Statement to a Federal Agency (Count Four)

Date: 06/06/2012

Issuing officer's signature

City and state: Reno, NevadaWILLIAM G. COBB, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____

Date: _____

Arresting officer's signature

Printed name and title

1 DANIEL G. BOGDEN
2 United States Attorney
3 STEVEN W. MYHRE
4 SUE FAHAM
5 Assistant United States Attorneys
6 100 West Liberty Street, Suite 600
7 Reno, Nevada 89501
8 (775) 784-5438

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
JUN - 6 2012	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY:	DEPUTY

5 JACK SMITH
6 Chief, Public Integrity Section
7 ERIC G. OLSHAN
8 Trial Attorney
9 United States Department of Justice
10 1400 New York Avenue NW, Suite 12100
11 Washington, DC 20005
12 (202) 514-7621

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA

15 UNITED STATES OF AMERICA,

16 Plaintiff,

v.

17 F. HARVEY WHITTEMORE,

18 Defendant.

19 INDICTMENT FOR VIOLATIONS OF:

20 TITLE 2, UNITED STATES CODE,
21 SECTION 441a(a)(1) – Making Excessive
22 Campaign Contributions (Count One)

23 TITLE 2, UNITED STATES CODE,
24 SECTION 441f – Making Contributions in
25 the Name of Another (Count Two)

26 TITLE 18, UNITED STATES CODE,
27 SECTIONS 1001(a)(2) and 2 – False
Statement to a Federal Agency (Count Three)

THE GRAND JURY CHARGES THAT:

At all times relevant to this Indictment:

3:12-CR-00058-LRH-WGC

INTRODUCTION

1. Defendant, F. HARVEY WHITTEMORE, was the chief executive of Company A.

2. Company A was a Nevada limited liability company with offices in the District of Nevada.

Company A was engaged primarily in the acquisition and management of land-development projects and also acted as a holding company for various other business entities.

3. Federal Elected Official 1 was an elected member of the United States Congress.

1 4. Committee B was the federal campaign committee formed to receive campaign contributions
2 for the re-election of Federal Elected Official 1.

3 5. The Federal Election Campaign Act of 1971, as amended, Title 2, United States Code,
4 Sections 431 through 455 ("Election Act"), regulated financial activity intended to influence the election of
5 candidates for federal office.

6 6. In order to limit the influence that any one person could have on the outcome of a federal
7 election, the Election Act established limits on the amounts individuals could contribute to an individual
8 candidate's political campaign committee.

9 7. To promote transparency and prevent individuals from circumventing these regulations, the
10 Election Act prohibited a person from making a political contribution in the name of another person,
11 including giving funds to a straw donor or conduit for the purpose of having the conduit pass the funds on
12 to a federal candidate as his or her own contribution.

13 8. The Federal Election Commission (FEC) was an agency and department of the United States
14 with jurisdiction to enforce the limits and prohibitions of the Election Act. In order to deter abuses and
15 instill public confidence in the election process, the FEC was and is responsible for making available to the
16 public specific information about the amounts and sources of political contributions to federal candidates
17 and their political committees.

18 9. Pursuant to the Election Act, the FEC required campaign committees, including Committee
19 B, to file periodic reports of receipts and disbursements, identifying, among other things, each person who
20 made a contribution to such committee during the relevant reporting period whose contribution or
21 contributions had an aggregate amount or value in excess of \$200 within the calendar year, together with
22 the date and the amount of any such contribution. In preparing these reports, federal candidates and political
23 committees relied on the information provided by the donor, including the individual's name, address, and
24 occupation. These periodic reports, which were filed with the FEC and made publicly available, were
25 intended to provide citizens with a transparent record of all contributions to candidates for federal office.

26 10. In 2007, the Election Act limited both primary and general election campaign contributions
27 to \$2,300, for a total of \$4,600 from any individual to any one candidate.

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THE CONDUIT SCHEME

11. In or about February 2007, defendant met with Federal Elected Official 1 in Las Vegas, Nevada, and agreed to act as a fundraiser to collect a target amount of \$150,000 in campaign contributions for Committee B by March 31, 2007, which marked the end of a legally required reporting period.

12. Committee B kept records of the amounts of money raised by campaign fundraisers, including defendant.

7 13. Aware of the strict limits on individual federal campaign contributions, defendant knowingly
8 devised a scheme and plan whereby he used family members, employees of Company A, and their respective
9 spouses as prohibited conduits through which to funnel his own money to Committee B under the guise of
10 lawful campaign contributions.

11 14. It was a part of the scheme and plan to knowingly make individual campaign contributions
12 in excess of the limits established by the Election Act.

13 15. It was a part of the scheme and plan to knowingly conceal from the FEC, Committee B,
14 Federal Elected Official 1, and the public the true source and amount of the campaign contributions.

15. 16. It was a part of the scheme and plan to use conduits to knowingly deceive Federal Elected
16 Official 1 and Committee B into believing that defendant lawfully raised significant sums of money for
17 Committee B when, in truth and in fact, he had not.

EXECUTION OF THE SCHEME

19 17. In or about March 2007, defendant directly and indirectly solicited employees of Company
20 A and their spouses to make the maximum allowable federal campaign contributions to Committee B,
21 knowing that his personal money would be used to advance funds to or reimburse these individuals. The
22 funding of the contributions took several forms, including issuing personal checks and authorizing wire
23 transfers from his personal bank account. In some instances, the defendant attempted to conceal the
24 reimbursements to various employees of Company A by verbally characterizing them as bonuses.

18. In or about March 2007, defendant gave his own money to adult members of his family and their respective spouses, with the intent and purpose that this money would be used to make the maximum allowable contribution to Committee B under the name of the family member or spouse.

28 19. To maximize the use of each conduit contributor, defendant caused his family members.

1 employees of Company A, and their respective spouses to each make a contribution of \$4,600 to Committee
2 B and Federal Elected Official 1, the maximum total amount permitted under the Election Act in 2007. In
3 connection with the conduit contributions, defendant paid \$5,000 to each individual who contributed \$4,600
4 to Committee B. Likewise, defendant paid \$10,000 to each couple that contributed a total of \$9,200.

5 20. On or about March 27, 2007, defendant and his spouse each contributed \$4,600 to Committee
6 B, thereby reaching their individual contribution limits allowed by the Election Act to Committee B.

7 21. On or about March 28, 2007, defendant caused a Company A employee to transmit to
8 Committee B a packet containing contributions totaling approximately \$138,000, the vast majority of which
9 comprised conduit contributions that defendant had funded from his personal funds in order to satisfy his
10 \$150,000 pledge to Federal Elected Official 1.

11 22. On or about April 15, 2007, and in furtherance of his scheme and plan, defendant caused
12 Committee B to file reports with the FEC falsely stating that the conduits had made the contributions, when
13 in truth and in fact, and as defendant well knew, each contribution was made by the defendant.

14 **COUNT ONE**

15 Making Excessive Campaign Contributions
16 (Title 2, United States Code §§ 441a(a)(1) and 437g(d)(1)(A)(i))

17 23. The Grand Jury incorporates paragraphs 1 through 22 as paragraph 23 of this Indictment as
18 though fully set forth herein.

19 24. In or about March 2007, in the District of Nevada and elsewhere,

20 **F. HARVEY WHITTEMORE,**

21 defendant herein, did knowingly and willfully make, and cause to be made, contributions to Committee B,
22 the official federal campaign committee of Federal Elected Official 1, a candidate for re-election to the
23 United States Congress, which contributions exceeded the limitation contained in the Election Act, and
24 which violation aggregated \$25,000 and more during the 2007 calendar year.

25 All in violation of Title 2, United States Code, Sections 441a(a)(1) and 437g(d)(1)(A)(i).

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COUNT TWO

Making Contributions in the Name of Another
(Title 2, United States Code §§ 441f and 437g(d)(1)(A)(i))

4 25. The Grand Jury incorporates paragraphs 1 through 22 as paragraph 25 of this Indictment as
5 though fully set forth herein.

26. In or about March 2007, in the District of Nevada and elsewhere.

F. HARVEY WHITTEMORE,

8 defendant herein, did knowingly and willfully make, and cause to be made, contributions of money,
9 aggregating \$25,000 and more during the 2007 calendar year, in the names of others, to Committee B, the
10 official federal campaign committee of Federal Elected Official 1, a candidate for re-election to the United
11 States Congress.

All in violation of Title 2, United States Code, Sections 441f and 437(g)(d)(1)(A)(i).

COUNT THREE

False Statement to a Federal Agency
(Title 18, United States Code, Sections 1001(a)(2) and 2)

16 27. The Grand Jury incorporates paragraphs 1 through 22 as paragraph 27 of this Indictment as
17 though fully set forth herein.

18 28. On or about April 15, 2007, in the District of Nevada and elsewhere, in a matter within the
19 jurisdiction of the Federal Election Commission, a department or agency of the United States Government,

F. HARVEY WHITTEMORE,

21 defendant herein, did knowingly and willfully cause to be made, a materially false, fictitious, and fraudulent
22 statement and representation, to wit: an April 2007 quarterly report filed with the FEC, which falsely,
23 fictitiously, and fraudulently stated that contributions to Committee B came from the funds of individual
24 members of defendant's family, employees of Company A, and certain of their spouses, when, in truth and
25 in fact, as defendant well knew, the contributions came from the funds of the defendant.

All in violation of Title 18, United States Code, Sections 1001(a)(2) and 2.

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COUNT FOUR

False Statement to a Federal Agency
(Title 18, United States Code, Sections 1001(a)(2))

4 29. The Grand Jury incorporates paragraphs 1 through 22 as paragraph 29 of this Indictment as
5 though fully set forth herein.

6 30. On or about February 9, 2012, in the District of Nevada and elsewhere, in a matter within the
7 jurisdiction of the Federal Bureau of Investigation (FBI), a department or agency of the United States
8 Government,

F. HARVEY WHITTEMORE.

10 defendant herein, did knowingly and willfully make materially false, fictitious, and fraudulent statements
11 and representations, to wit: in the course of an interview by FBI agents conducting an official investigation,
12 defendant claimed that he (a) never made a request for campaign contributions, (b) never asked employees
13 of Company A to contribute to Federal Elected Official 1, (c) never provided payments to anyone with the
14 expectation that they would use the money as reimbursement for any campaign contribution, (d) never spoke
15 to any candidate about raising money for the candidate, and (e) never gave money to extended family,
16 including nieces and nephews, to make campaign contributions, when, in truth and in fact, as defendant then
17 and there well knew, each of these assertions was false, fictitious, and fraudulent.

All in violation of Title 18, United States Code, Sections 1001(a)(2).

DATED: this 6 day of June, 2012.

A TRUE BILL.

FOREPERSON OF THE GRAND JURY

DANIEL G. BOGDEN
United States Attorney
District of Nevada

23 STEVEN W. MYHRE
SUE FAHAM
24 Assistant United States Attorneys

25 JACK SMITH
Chief, Public Integrity Section
26 United States Department of Justice

27 ERIC G. OLSHAN
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